



Patents

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

**John E. McAlvin, Daniel A. Oakley,  
Paul Taylor Hutson, David J. Zwissler &  
Thomas J. Folda**

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)  
) Examiner: **Nathan M. Nutter**  
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)  
) Art Unit: 1711

Serial No. 10/789,245

Filed: **February 27, 2004**

For: **STYRENE-FREE UNSATURATED  
POLYESTER RESIN COMPOSITIONS  
FOR COATING APPLICATIONS**

**DECLARATION OF JOHN E. MCALVIN UNDER 37 C.F.R 1.132**

I, John E. McAlvin, declare as follows:

1. I am presently employed by AOC, L.L.C., owner of the above-identified U.S. Patent Application Serial No. 10/789,245.

During such employment, which began in September 2000, I have concentrated on the research and development of new and improved molding compositions, including molding compositions containing unsaturated polyesters.

My present position at AOC, L.L.C. is Senior Scientist, a position which I have held since 2002.

2. I am a joint inventor of the subject matter disclosed and claimed in this Serial No. 10/789,245.

3. I have reviewed the Office Action mailed February 2, 2007, and I participated in the interview with Examiner Nutter on February 9, 2007.

4. I have also reviewed Boeckeler et al. U.S. Patent No. 5,369,139 as cited in the February 2 Office Action.

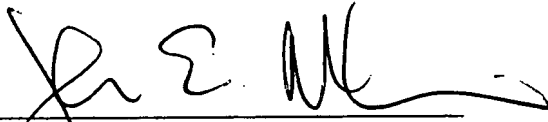
The Boeckeler invention is a radiation and peroxide curable oligomeric emulsion prepared by adding water under high shear agitation to a mixture comprising an  $\alpha$ ,  $\beta$  – ethylenically unsaturated oligomer; a reactive, nonionic surfactant containing allyl unsaturation; and a metallic salt drier; see column 2, lines 8-14.

The use of water is required for the emulsions of the Boeckeler patent; see column 3, line 65 – column 4, line 5 and Claim 1.

5. The compositions disclosed and claimed in this Serial No. 10/789,245 are not emulsions, and water is not added to these compositions. If water is added to these compositions, there is a material negative effect as these compositions will undergo a phase separation. The occurrence of phase separation in these compositions leads to problems with curing and with the aesthetics of a fabricated part.

The undersigned John E. McAlvin declares that all statements made in this Declaration of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this Declaration or any patent issuing from Serial No. 10/789,245.

Date: March 29, 2007

  
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John E. McAlvin

Attorney Docket: 2785989-000082